

ITEM 7-E

CITY OF ALAMEDA

Memorandum

To: Honorable Chair and
Members of the Historic Advisory Board

From: Margaret Kavanaugh-Lynch
Planning Services Manager

Date: December 1, 2011

Re: **Introduction of the Historic Advisory Board's Sub-Committee Draft of
the Proposed New Historic Preservation Policy Document**

BACKGROUND

A. Purpose

The purpose of this staff report is to provide an overview and introduction to a new draft Historic Preservation Policy Document prepared by a sub-committee of the Historic Advisory Board (HAB).

This document, included as attachment A, is the first step of a comprehensive update of the documents pertaining to historic preservation in Alameda, including the General Plan and the Design Review Ordinance. It also lays the groundwork for the creation of new code sections, including a Mills Act ordinance to allow some financial compensation for the restoration of the city's historical resources. This document was prepared over the last several years by members of the sub-committee and reflects the goals of these volunteers. The subcommittee welcomes input from all stakeholders in the community and is looking forward to extensive public and staff review to refine the document.

The purposes of this policy document are to:

1. To clarify the priorities of the City of Alameda in regards to historic resources.
2. To provide clear guidance and a clear process for the preservation, rehabilitation, and if necessary, removal of historical resources.

This document was originally created as a draft ordinance, however, to give a complete view of the documents that pertain to this topic in Alameda, it became necessary to include language from the City Charter and other sources. To facilitate the understanding of the complete landscape of historic preservation, this draft was renamed as a policy document and the source of each section of text is noted in the document. Clearly, documents such as the City Charter cannot be amended except by the majority vote of the residents of the City of Alameda, but staff felt it was important to illustrate the genesis of all the policy information.

B. Public Review Process

The public review of the proposed policy document will begin with the Historic Advisory Board. Once the members of the full Board are supportive of the general language of the ordinance, it will be presented to the Economic Development Committee business, neighborhood organizations, The Housing Committee and the Planning Board as well as to any other interested groups and citizens. The draft will also be sent to the Office of State Historic Preservation (SHPO) in Sacramento for preliminary review. Staff will then assemble the comments from all interested parties and bring this information back to the Historic Advisory Board for consideration.

Once the Board has received all of the comments from the first round of public review, staff will prepare a second draft policy document for Board review. This second draft will be made available for public review and forwarded to the Office of the State Historic Preservation (SHPO) for their final comments in order to maintain the City's designation as Certified Local Government. Once SHPO's comments have been received, the Board will be asked to make a final recommendation on the draft ordinance to the City Council.

The final review of this draft ordinance will be completed by City Council. After considering the document and taking public testimony, it will be the decision of the City Council to approve this new ordinance or send it back to the Historic Advisory Board for additional review. It is anticipated that this comprehensive review will take at least twelve months to gain public input.

Background

Historic Preservation in Alameda:

The City of Alameda adopted the original Historical Preservation Ordinance and created the Historical Advisory Commission in 1975.

In 1987, the City of Alameda was designated a Certified Local Government by the State of California Office of the State Historic Preservation (SHPO). This designation provides opportunities for technical advice and grant monies and requires that the City of Alameda complete the following tasks:

- Enforce appropriate state and local laws and regulations for the designation and protection of historic properties;
- Establish an historic preservation review commission by local ordinance;
- Maintain a system for the survey and inventory of historic properties;
- Provide for public participation in the local preservation program; and
- Satisfactorily perform responsibilities delegated to it by the state.

In 1990, the City Charter was amended to recognize and include the Historical Advisory Board.

City Monuments: The City Council has designated twenty-nine historic Monuments (commonly referred to as “landmarks”) in the City of Alameda. In addition, there are three Historic Districts, including the Park Street commercial district, the Todd Shipyard and the Naval Air Station (NAS Alameda). This monument list also includes the seawall and stairs between Broadway and 5th Street, Franklin Park, Jackson Park, The Rockery, and Washington Park. The trees along Thompson and Central Avenues, palm trees on Burbank and Portola Streets are also listed Monuments in the city. And finally, approximately nine signs have been designated as Monuments throughout the city, though the building that they are located on may or may not hold the same status. City Monuments are designated by ordinance. A designation ordinance requires a recommendation by the HAB and approval by the City Council.

Historic Building Study List: In the late 1970’s, the City of Alameda undertook an extensive survey of the city’s building stock. The survey included a review and evaluation of 10,500 of the 13,500 buildings in the city at that time. The evaluators ultimately identified over 4,000 structures as worthy of consideration for preservation. These structures are now included on the City’s Historical Building Study List. This list was based on four types of criteria: Architectural Significance, Historical Significance, Environmental Significance and Design Integrity. Depending on the depth of the research completed and the integrity of the building/site, the list is sorted into five main types of buildings:

N - A historic resource of the highest quality, eligible for listing in the National Register of Historic Places, usually due to its architectural significance. These are the highest priority for inclusion on the list of Alameda Historical Monuments.

S - A historic resource distinguished by its architectural, historical, or environmental significance, eligible for inclusion in the State Historic Resource Inventory, and of secondary priority for inclusion on the list of Alameda Historical Monuments. Many of these are also eligible for listing in the National Register of Historic Places. Others would be eligible if design integrity were restored.

B - A resource which, due to its scale, massing, materials, style, and other features, is similar to a nearby “N” or “S” resource and serves as background support for it. These resources are eligible for inclusion in a group or district nomination to the National Register of Historic Places.

E - A resource which, by itself, might be insignificant, but which, together with its neighbors, forms an environment which is distinguished by its continuity, its setting, its urban design features, and its integrity. This resource derives its significance from its association with neighboring resources.

H - A resource which may have Historical importance because of its apparent age or location, or may have architectural importance because of its similarity to other buildings done by important architects and/or builders. Historic research should precede further evaluation of this resource.

Pre-1942 Buildings: In 2003, the Historic Preservation Ordinance was amended to include demolition control over any structure built in Alameda before 1942, regardless of architectural integrity. The 2003 amendment required that “pre-1942” buildings proposed for demolition be reviewed by the Historic Advisory Board to determine if the building is not a building that would qualify as a potential Historic Monument or qualify for the Study List. The 2003 amendment defined demolition as follows: *“Demolition shall*

mean the removal within a five (5) year period of more than thirty (30%) percent of the value of any designated structure or building, as determined by the Building Official.” A remodel project involving the removal of 30% of the value of existing structure is required to receive a Certificate of Approval by the Historic Advisory Board.

DISCUSSION

The Subcommittee's draft policy document includes a number of important changes in the City of Alameda processes and standards for the preservation, maintenance, and designation of historic structures. The following paragraphs provide a summary of the major policy changes.

Demolition Definition: The definition of demolition has been changed from a percentage of value (“the 30% rule”) to a measurement system.

The new proposed definition reads: “Demolition: Any one of the following:

- a. Removal of more than fifty percent of the surface of any two exterior walls, except for replacement in kind.
- b. Enclosure or visual obstruction of more than twenty-five percent of the exterior wall(s) of any building so that the wall(s) no longer function as exterior wall(s).
- c. Removal of more than fifty percent of the roof surface area as measured in plan view, except for the replacement of roof surfaces in kind or replacement to match original roof surfaces.
- d. Any alteration that, in combination with other alterations within the preceding five years, will represent a change as defined in one or more subsections above.
- e. Relocation of any building or other resource within the site or to another site.

The change in the method of measurement will remove a lot of uncertainty for applicants, staff, and the general public as they determine whether the changes to the structure will be defined as “demolition” or an “alteration”. However, the new definition warrants careful consideration because “demolition” is strictly regulated in Alameda, and the findings for “demolition” are significantly more difficult to make than the findings for an “alteration”. (See section on Findings for Demolition below.) For example, the Board and community should carefully consider whether it is appropriate to require that the City make the findings for “demolition” when the proposal includes simply moving a building on the site (see item e. above) or when 50% of a roof is being removed or reconstructed (see item c. above.)

Pre-1942 Buildings vs. 50-Year-Old Buildings The current ordinance presumes that any building built before 1942 may be historic and is worthy of further review before it can be demolished or altered more than 30% of its value. Currently, a significant alteration (more than 30% value) of a pre-1942 home, requires a hearing before the Historic Advisory Board and a Design Review Permit issued by staff or the Planning Board. Under the new policy language, (buildings that are 50 years or older) would be presumed to be potentially historic. For example in 2020, buildings built in 1970 or

before would be presumed to be potentially historic. In 2012, buildings built in 1962 or before would enjoy this protection, and so on.

Therefore, under the new policy document, demolition (as defined above) of any building older than 50 years would require a "Demolition Permit" from the Historic Advisory Board. The applicant would need to provide documentation (including architectural reports) required by the Board for their review. The Board may then either grant the Demolition Permit, or "set the building aside for study." The Board would then have 60 days to recommend a landmark designation for the property at a public hearing. That landmark recommendation would then need to be reviewed, approved, or overturned by the City Council at a public hearing.

Study List Buildings: Under the new policy document, alterations or demolition to any one of approximately 2,750 of the 4,000 buildings listed on the Historical Building Study List would require an "Alteration Permit" or a "Demolition Permit". Of the 4,000 properties currently on this list, 2,750 properties are designated with the N (eligible for national listing), S (eligible for state listing) and B (background structures for S and N rated buildings). The other 1,250 properties have lesser ratings, but almost all are over 50 years old, so any change that is defined as "demolition" to any of the 1,250 properties would require a "Demolition Permit" but not an "Alteration Permit".

Given that Alameda is mostly built out with buildings that are over 50 years old, most if not all proposals that fit the definition of "demolition" (see definition above) will need a public hearing before the Historic Advisory Board before any hearings or actions on the project can be taken by the Planning Board, staff, or the City Council. The exceptions to this new process would be proposals for new buildings on vacant lots or minor modifications (modifications that are not defined as "demolition") to an existing building that is not a landmark or Study List Building. New buildings that replace, significantly modify or move existing buildings (i.e. "demolish") would need a Historic Advisory Board hearing before the Planning Board could take any action on the new building proposal.

Alteration Definition: The new ordinance changes the definition of "Alteration" and adds a definition for "Alteration Permit" to replace Certificates of Approval. The Alteration Permit applies to designated landmarks and contributors to districts, only.

The current ordinance defines "Alteration" as follows: *"Alteration shall mean any addition, or exterior modification, improvement, repair, or replacement of character defining elements, which alter or change the original materials or appearance of a historical resource, including but not limited to, massing, roof forms, porches, finish materials, windows, and decorative details. The addition and alteration of awnings and signs, excluding historically designated signs, or interior modifications, improvements and repairs are not included in this definition."*

The new ordinance defines "Alteration" as: *"Physical changes or modifications to the structural elements of a Landmark or contributing building of a Historic District or any*

main building designated to the afore mentioned lists. Alterations include, but are not limited to:

- i. *Any exterior addition; removal and/or modification of windows, doors, roofing, siding or visible part of foundation of any main or accessory building that requires a building permit; of a privately owned building.*
- ii. *Any interior or exterior addition, removal and/or modification of windows, doors roofing, siding or visible part of foundation of any building main or accessory building that requires a building permit; of a city-owned landmark or Historic or cultural resource.*

The new ordinance would replace the “Certificate of Approval” with an “Alteration Permit”. The new ordinance states: *“Proposed Alteration Permit: If an application involves an alteration to a property, building, site or area listed as a Landmark and/or contributing resource to a Historic District, an Alteration Permit shall be required. The decision will be made by the Historic Advisory Board at a public hearing. The application shall be accompanied by any and all related information necessary to assist the Historic Advisory Board in making its determination, including historical assessments from appropriate experts, as determined by the Secretary of the Historic Advisory Board. The cost of these reports shall be the responsibility of the applicant of the project.*

Major Alteration Permits: Under the new policy document, any alteration or demolition (as defined above) of any building designated N, S, or B on the Study List would require HAB Design Review approval (the “Major Alteration Permit”). Currently Design Review is under the purview of the Planning Board. Under the new ordinance, the Design Review process for these projects would be moved from the Planning Board to the Historic Advisory Board. The reason for this shift is to have the Board with experience in architectural significance and historic preservation be the body to determine if the alterations proposed would unintentionally modify the architectural integrity of the building, potentially losing the potential aspects of the building that would have allowed it to be considered for landmark status. It is noted that although these buildings are on the Study List, they are not yet designated as landmarks. Therefore, the alterations would only be held to the findings of the Design Review Ordinance instead of the Department of Interior Standards, which is a higher level of review used for landmarks.

The new document defines “Alteration, Major” as: “Physical changes or modifications to the structural elements of any main building on the Historical Study List that requires a building permit; including but not limited to:

- a. Removal or enclosure of more than 25% of any exterior surface of any roof or exterior walls visible from the public right-of-way, except for replacement that visually match original surface materials, (like for like),
- b. An increase or decrease of the height of the main building by more than one foot,
- c. Any change that, in combination with other changes within the preceding five years, would constitute a Major Alteration as defined in any sub-section, above.

Alteration, Major Permit: A discretionary permit under the purview of the Historic Advisory Board required for physical changes or modifications to the structural elements

of a building listed on the Historic Study List. As these buildings are not recognized as Landmarks or the contributing buildings of a Historic District, these permits will be governed by the Findings of the Design Review Ordinance for the City of Alameda.

Alameda Point and Other City owned Landmarks: The new definition of Alteration makes a new distinction for city-owned buildings, which are landmarks and contributors to districts such as the 90+ buildings at the Naval Air Station Historic District. Under the new document, any changes to the *interior* of these buildings would require an Alteration Permit from the Historic Advisory Board. This changes effectively expands the City of Alameda's existing City Monument Designation for the former Naval Air Station to include all of the interior elements as well as the exterior elements. This change should be carefully considered in terms of how it will impact the City's ability to reuse and re-occupy these buildings for new uses in compliance with the Community Reuse Plan for Alameda Point.

Park Street Historic District: Under the new policy document, exterior changes to buildings along Park Street that are contributors to the district will require a review by the Historic Advisory Board for all exterior alterations, including signs and awnings that require a building permit, which is not the case under the current ordinance language.

Finding for Demolition: Under the provisions of the new policy document, the Historic Advisory Board cannot approve demolition of a contributor to a District or a landmark unless either:

1. The structure is an "imminent hazard" or,
2. The applicant is able to show that a "severe economic hardship" would occur if the permit were not approved.

These limitations raise important considerations for property owners of landmarks and contributors to designated districts. The Park Street Historic District includes many contributing buildings and the NAS Alameda Historic District includes over 90 contributing buildings and structures. Under the limited findings for demolition or significant alteration to a landmark or contributor to a District, it is questionable whether the City of Alameda would ever be able to significantly modify or "demolish" any of the 90+ contributors to the historic district for an important new use, employer, or economic development or recreational policy objective. The Board and the community should carefully consider how this language would impact the community's Reuse Plan policies and objectives for the redevelopment of Alameda Point.

Enforcement and Penalties This document includes an extensive revision of the enforcement and penalty section of the ordinance. These new sections raise important questions for owners of historic properties and contributors to Districts that may not be currently occupied. In the near future, the community of Alameda will be the owner of the over 90 contributing structures to the Historic District at Alameda Point, many of which have been vacant for over 15 years. The community should review maintenance, enforcement and penalty sections of the ordinance carefully to ensure that the

community is able, willing, and has the financial resources to comply with these standards.

Process Changes.

The proposed language of this policy document will alter the development review process in Alameda. While the steps of such actions as the designation of a landmark are fairly straightforward in the text, other actions may not be as clear. To help illustrate these changes, staff has prepared flow charts to illustrate the current and proposed steps for alteration and demolition permits. Please see Attachment 2 for a comparison of the proposed processes versus the current processes.

ENVIRONMENTAL REVIEW

No action is being taken as a part of this staff report. At a later date, an Initial Study will be prepared for the revised ordinance, in conformance with state law.

RECOMMENDATION

Review draft ordinance and provide preliminary comments.

Respectfully submitted,

Margaret Kavanaugh-Lynch
Planning Services Manager

Attachments:

1. Draft policy document dated December 2011
2. Current Historic Preservation Ordinance
3. Flow Charts illustrating the existing and proposed
Alteration and Demolition processes